

REMARKS

In the Office Action mailed September 17, 2008 the Office noted that claims 1-12 were pending and rejected claims 1-12. Claims 1-12 have been amended, no claims have been canceled, claims 13-18 are new, and, thus, in view of the foregoing claims 1-18 remain pending for reconsideration which is requested. No new matter has been added. The Office's rejections and objections are traversed below.

REJECTIONS under 35 U.S.C. § 112

Claims 1-12 stand rejected under 35 U.S.C. § 112, second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter which the applicant regards as the invention. In particular, the Office asserts that parenthetical reference to the figures limits the claims to those embodiments in the drawings; and that the alternative language of the claims renders them indefinite. The Applicant has amended the claims to remove the element references and has added claim 13-18 as alternatives.

Withdrawal of the rejections is respectfully requested.

CLAIM OBJECTION

Claims 2-12 stand object to for informalities. In particular, the Office asserts that the dependent claims are missing wherein clauses. The Applicant has amended the claims in

conformity with the comments of the Office.

Withdrawal of the objection is respectfully requested.

REJECTIONS under 35 U.S.C. § 103

Claims 1-12 stand rejected under 35 U.S.C. § 103(a) as being obvious over Dronzek, WO 93/09925 in view of Hakansson, U.S. Patent Publication No. 2002/0139707. The Applicants respectfully disagree and traverse the rejection with an argument and amendment.

Dronzek discusses rolls suitable for printing and forming at high rates of production of blown or injection in-mold labeled plastic container.

Hakansson discusses a dispenser for keeping and dispensing earplugs.

The Applicant has amended claim 1 to recite in part "A thin-walled *squeezable* plastic tube having an axial direction and a radial direction, the *squeezable* plastic tube being manufactured by injection molding and comprising a tube body with a tube shoulder with an emptying opening at a first end and an end closure at a second end, the tube body having a wall thickness of 0.3-1.2 mm, characterized in that the *squeezable* plastic tube comprises a label applied simultaneously with the injection molding." (Emphasis added) Support for the amendment may be found, for example, on page 3, lines 15-20 of the

Specification. See also Fig. 1 of the Specification. The Applicant submits that no new matter has been added by the amendment of claim 1.

However, Droznek does not disclose that the label is applied to a thin-walled squeezable plastic tube. The Applicant does acknowledge that Droznek does discuss in the Background of the Invention, top of page 2, that labels are hard to apply to squeezable containers. But nothing in the detailed description states that the container is a thin walled squeezable tube. Instead, the reference at page 12, lines 23-29 states "Although for purposes of exemplary showing, the present invention is described and illustrated in connection with a polyethylene container, it will be understood that in-mold labeling may also be applied in the formation of propylene multi-layer bottles, polyethylene terephthalate bottles and other types of plastic containers formed by blow or injection molding."

Further, page 1, lines 11-15 state "[p]lastic containers or bottles are prevalent today in a wide variety of shapes and sizes for holding many different kinds of materials such as light duty liquids (e.g., dishwashing detergent), heavy duty liquids (e.g., laundry detergents), motor oil, vegetable oil, herbicides, etc."

None of the products listed are stored in a thin walled "squeezable" tubes such as toothpaste, etc...

On page 5 of the Office Action, the Office asserts

that it would have been obvious to combine the features of Droznek with Hakansson.

However, Hakansson is not a squeezable tube and therefore one of ordinary skill would not have looked to fill in the deficiencies of Droznek with the ear plug dispenser of Droznek.

For at least the reasons discussed above, Droznek and Hakansson, taken alone or in combination, fail to render obvious the features of claim 1 and the claims dependent therefrom.

Withdrawal of the rejections is respectfully requested.

SUMMARY

It is submitted that the claims satisfy the requirements of 35 U.S.C. §§ 112 and 103. It is also submitted that claims 1-18 continue to be allowable. It is further submitted that the claims are not taught, disclosed or suggested by the prior art. The claims are therefore in a condition suitable for allowance. An early Notice of Allowance is requested.

The Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any

overpayment to Deposit Account No. 25-0120 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17.

Respectfully submitted,

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